

Remarks

This Amendment is responsive to the Office Action of **February 3, 2005**.
Reexamination and reconsideration of **claims 1-25** is respectfully requested.

Summary of The Office Action

Claims 1-25 were rejected under 35 U.S.C. § 102(e) as being anticipated by Hericy et al. (US PGPUB 2002/0083188).

The Present Claims Patentably Distinguish Over the References of Record

Independent Claim 1

Claim 1 recites a method that is from a server view point and not a client viewpoint. Hericy is directed to a client-side method. Although Hericy describes web page load times, Hericy is different from the method of claim 1, and does not teach claim 1 or the other claims as explained below.

For example, claim 1 recites that after receiving a request for a document, a time stamp is generated and the document along with the time stamp is served to the client. When the document is rendered on the client, the original time stamp is returned, which is now at a current time. The document render time is then derived from the time stamp and the current time where the document render time is indicative of a time period from when the request for the document is generated at the client to when the document is rendered at the client.

Hericy fails to teach claim 1 because claim 1 recites deriving a document render time in a way that includes time for network transmissions between the server and the client. Thus, claim 1 involves for example, Time (1): the transmission time it takes to send the document (along with the time stamp) to a client, Time (2): the time it takes to render the document on the client, and Time (3): the time it takes to return the time stamp to the server. One example is described at the bottom of page 2 in the present application starting at line 23. As mentioned at the bottom of page 2, the server assumes that the time required to initially submit a request from the client to

the server is approximately the same as the time involved in returning the time stamp from the client to the server.

Hericy only determines page load times that represent only how long it takes the client computer to load the page, which at most relates to Time (2) above. Transmission Time (1) and Time (3) are not considered by Hericy. Thus, Hericy does not teach serving a time stamp and deriving a document render time as recited in claim 1. Since a time stamp is not sent by the server in Hericy, the time stamp does not exist to be returned to the server.

In particular, Hericy specifically relates to visitor-side web page loading times where it begins at the start of a web page load on the visitor computer (see abstract). Hericy describes three techniques for determining load times and all three are based on using the client's local computer clock (middle of paragraph [0035], and paragraphs [0039], [0048], and [0055].) These paragraphs explain that a timer on the client computer is started once the page begins loading and the timer stops when the page load completes. The page load time is determined based on the start and stop times on the client. Network transmission time for the request, time transmitting the page to the client, or any other transmission time is not part of the determination.

For example, if the network was slow or the client's network communication channel was slow, Hericy's determination would fail to detect this characteristic. Suppose it took 60 seconds to send a request for a page (e.g. click a hyperlink) from the client to the server, 60 seconds to send the page from the server to the client, and 0.1 seconds to load the page on the client. Hericy would determine a page load time of 0.1 seconds and Hericy would fail to see any problems with the client's experience. With the method of claim 1, the latency in the network is included and the document render time would be 120.1 seconds (e.g. the time stamp is sent by the server). Thus, the method of claim 1 could determine that the client's experience with the web page was slow. Therefore, Hericy is quite different from the present method and thus fails to teach or suggest claim 1.

Since claim 1 recites features not taught or suggested by the reference, claim 1 patentably distinguishes over the reference. Accordingly, dependent claims 2-6 also patentably distinguish over the reference and are in condition for allowance. Furthermore, based on the above explanation, the features of the dependent claims are also not taught or suggested by Hericy.

Independent Claim 7

As explained above, Hericy describes a process of determining page load times as the page starts and stops loading on a client computer using the client's clock. Hericy fails to teach or suggest a method that involves communication time between the server and the client, or a method that could perform such a determination. Thus, Hericy fails to teach or suggest ascertaining a metric representative of an average time to communicate and display requested information as a function of the values received for the session as recited in claim 7.

Claim 7, therefore, patentably distinguishes over the Hericy and is in condition for allowance. Accordingly, dependent claims 8-10 also patentably distinguish over the reference and are in condition for allowance. Furthermore, based on the above explanation, the features of the dependent claims are also not taught or suggested by Hericy.

Independent Claim 11

Claim 11 has been amended to highlight that the method is from a server view point. As explained previously, Hericy fails to teach or suggest sending responses to clients that contain a value based on a time when a response is received as recited in claim 11. Hericy only uses start and stop times calculated from the client computer clock. It then follows that Hericy fails to teach or suggest receiving, by the one or more servers, the values at respective receive times from the clients because the values were never sent by a server in the first place. Therefore, Hericy fails to teach or suggest ascertaining an average render time per unique user session as a function of the values received for the clients as claimed.

Since claim 11 recites features not taught or suggested by the reference, claim 11 patentably distinguishes over the reference and is in condition for allowance.

Independent Claims 12, 17, and 23

In view of the discussion of Hericy, applicant respectfully requests that the Examiner reexamine independent claims 12, 17, and 23. Applicant believes Hericy fails to teach or suggest their respective claimed features and that the rejection should be removed. These claims, along with their dependent claims, should now be in condition for allowance.

Conclusion

For the reasons set forth above, **claims 1-25** patentably and unobviously distinguish over the references of record and are now in condition for allowance. An early allowance of all claims is earnestly solicited.

Respectfully submitted,

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Date

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